



Attorney's Docket No. 1032668-000006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Daniel I. Flitcroft) Group Art Unit: 3628
Application No.: 09/506,830) Examiner: Clement B Graham
Filed: February 18, 2000) Appeal No.:
For: CREDIT CARD SYSTEM AND)
METHOD)
)
)

APPEAL BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated August 1, 2005 (Paper No. 2005-17-07), finally rejecting claims 8-10, 12-16 and 29-39, which are reproduced as the Claims Appendix of this brief.

- A check covering the \$250.00 (2402) \$500.00 (1402)
Government fee is filed herewith.
 Charge \$250.00 (2402) \$500.00 (1402) to Credit Card. Form PTO-2038 is attached.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

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I. Real Party in Interest

The real party in interest with respect to this application is Orbis Patents Ltd., which is the Assignee of record in this application by virtue of the assignment submitted on May 22, 2000.

II. Related Appeals and Interferences

The Appellants' legal representative, assignee, and Appellant do not know of any other appeal or interferences which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims pending in this application are claims 8-10, 12-16 and 29-39. Claims 8-10, 12-16 and 29-39 stand rejected and are being appealed.

IV. Status of Amendments

An amendment was filed after the final rejection dated August 1, 2005, but was not entered into the record.

V. Summary Claimed Subject Matter

In general, the claims on Appeal are directed to a method of conducting a financial transaction involving a limited use credit card number. A limited use credit card number is a credit card number issued by a credit issuing facility, such as a bank or other similar financial institution (page 24, lines 6-14), that remains active until certain conditions are met. Once the conditions (page 13, lines 14-23, page 30, lines 21, page 31, line 25, Figure 4) are met, the limited use credit card number is deactivated.

The limited use credit card number can be limited, for instance, to allowing only specific types of transactions or a particular number of transactions (page 14, lines 20-25). The limited use credit card number is associated with a master account or master credit card number (page 21, lines 12-17). The limitations on the uses of the credit card number can be established by the party responsible for the master account or master credit card number.

For example, limiting uses may be where the limited use credit card number is active for only a single transaction, conducting transactions totaling a specific monetary amount or a combination of conditions. After meeting the condition(s), the limited use credit card number is deactivated (page 21, lines 23-28).

On page 10, lines 24-28 and page 56, lines 14-26 of Appellant's specification, Appellant describes deactivation as meaning the limited use credit card number is no longer available for use. As further explained on page 22, lines 2-25 with respect to Figure 2, a deactivated credit card number is no longer available for transactions and will not be available for re-use for a period of time as the pool of limited use credit card numbers are assigned to users. By deactivating the limited use credit card number upon satisfying a use-triggered condition, fraudulent use of the limited credit card number is reduced.

Another method of reducing the opportunities for fraud in a financial transaction is by performing remapping of the limited use credit card number with the master account of credit card number. During the remapping operation, the limited used credit card number is replaced with the master account number or master credit card number during the authorization of the transaction. The details of remapping, or dual interface transmissions, are described on page 59, line 15-page 60, line 3; page 60, line 21-page 62, line 23, Figures 12 and 13 of Appellant's specification.

As an example (See Figure 12, page 60, line 18-page 61, line 20), a merchant transmits a signal according to the leading digits of the limited use credit card number that is received by a central processing facility. The limited use credit card

number is replaced or remapped with the master account number. The remapped master account number is transmitted to a credit card issuer processing facility which issued the master account number. After authorization, payment is received and the master account number is remapped back to the limited use credit card number. The limited use credit card number and payment information is transmitted back to the merchant.

These are at least two embodiments of methods for using a limited use credit card system.

VI. Grounds of Rejection to be Reviewed on Appeal

Claims 8-10, 12-16 and 29-39 are rejected under 35 U.S.C. §102(e) as being anticipated by Joao et al. (U.S. Patent No. 5,903,830).

VII. Arguments

A. The Joao et al. patent does not disclose all of the claimed features.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

1. Claims 8-10, 12, 16 and 29-34

(a) Absence of Association to Master Account Number

In the Amendment and remarks filed on May 2, 2005, Appellants argued that Joao et al. does not disclose an association between a limited use credit card number and a master account number as recited in the claims. In the subsequent Office Action, the Examiner asserts that Joao et al. discloses that the limited use credit card number is associated with the master account number at column 5, lines 29-30. The citation describes an apparatus and method that "may commence operation when the card, which is to be utilized in a credit card, charge card, debit

card, and/or currency or "smart" card, or number corresponding thereto, transaction, is offered at the point of sale or other appropriate location...". The Examiner is apparently relying on the language of "number corresponding thereto" as disclosing a limited use credit card number, which is associated with the master account number of a customer, as recited in independent claims 8, 16 and 29. The word "thereto" appears to be in reference to the credit card, charge card, debit card, and/or currency, or smart card previously listed in the sentence and not to a master account number. Joao et al. does not mention or suggest that a master account number exists or can be used. The only portions of Joao et al. which, arguably, without the use of improper hindsight, allude to a master account number with which the limited use credit card number may be associated are column 2, lines 14-16 or column 2, lines 49-51. However, without improper hindsight these citations also do not suggest or disclose the claimed feature.

The reference at column 5, lines 29-30 to the account number corresponding "thereto" refers to the card or card number being used, not a master account number. Joao et al. does not disclose or suggest that a limited use credit card number is associated with a master account number of a customer.

(b) Absence of Deactivation on Use-Triggered Condition

The claimed feature of determining whether said limited use credit card number has been deactivated because at least one use-triggered condition has been satisfied, is also not disclosed or suggested by Joao et al. Joao et al. discloses determining that a card has been lost, stolen or deactivated, but not because of at least one use-triggered condition.

In addition, column 5, lines 43-51 of Joao et al. is cited in the Office Action as disclosing the step of determining whether the limited use credit card number has been deactivated because of at least one use-triggered condition. The cited passage states that the central processing computer will determine if the card has been lost, stolen, and/or canceled and/or deactivated and/or if the credit, charge or

debit account limit of the card has been reached and/or exceeded and/or if the currency value of the card has been depleted. The passage does not state that the limited use credit card number has been deactivated because the user has exceeded the account limit, or the funds have been depleted as asserted in the Office Action. Nor does the additional citation to column 5, lines 45-67 disclose that the limited use credit card number is deactivated; it merely states that a central processing computer will disapprove the transaction or provide an indication that the transaction is not authorized to a point-of-sale terminal, not that the card has been deactivated. It would not make sense to deactivate a typical credit card number just because the account limit would be exceeded. Disapproval of the transaction is the typical result as specified in Joao et al. Although, Joao et al. discloses a credit card number, it is not a limited use credit card number as recited in the claims.

2. Claims 8, 12 and 20-34

Claim 8 is allowable because Joao et al. does not disclose all of the elements recited in claims 8 as required to satisfy a finding under 35 U.S.C. §102(e) that the claims are anticipated by Joao et al. Claims 12 and 20-34 are allowable because each depends upon claim 8 and recites additional features that when considered in combination with the features of independent claim 8 are not disclosed by Joao et al.

3. Claim 9

Claim 9 further limits claim 8 by claiming "wherein the limited use credit card number is linked to an organization selected from a group consisting of: a utility, a public network service provider, a telephone company, a bank account, a pre-paid account and a credit card issuer".

The Examiner cites column 7, lines 50-55 of Joao et al. as disclosing the features recited in claim 9. However, the cited passage in Joao et al. merely discloses a communication device, which is used by the cardholder. Joao et al. discloses, as shown in Figure 2, a communication device, which is used like a pager with a reply feature and/or device to facilitate cardholder authorization, notification

and/or other security measures in financial transactions. Column 7, lines 50-55 of Joao et al. state that the communication device can be programmable such that the communication device can limit and/or restrict the amounts and/or types of transactions that may be purchased with the card. This does not disclose the feature of wherein the limited use credit card number is linked to an organization selected from the group consisting of a public network service provider, as asserted by the Examiner, or any of the other organizations recited in the claims. The public service network is the communication conduit between the authorizing user and the merchant, and has no association to the credit card number. The communication device authorization concept as disclosed in Joao et al. is different than the method recited in independent claim 8 and dependent claim 9.

The limited use credit card number recited in the claims has pre-set, limited use conditions, and a central processing facility would be able to identify those limited uses without external authorization. In contrast, the system disclosed in Joao et al. limits use as programmed into a communication device which allows a user to allow, limit, or restrict the types of transactions, goods or services that are purchased with the card by reviewing the instant transaction.

In addition, because Joao et al. uses the communication device to authorize or limit the use of the card there is no need to deactivate the card after a use-triggered condition as recited in claims 8 and 9.

Joao et al. fails to disclose or suggest wherein the limited credit card number is linked to an organization selected from a group consisting of: a utility, a public network service provider, a telephone company, a bank account, a pre-paid account and a credit card issuer as recited in claim 9. Claim 9 is allowable for at least this reason in combination with its dependence upon independent claim 8.

4. Claim 10

In the rejection of claim 9, the Examiner asserts that the organization selected from a group is a public network service provider. Claim 10 depends from claim 9 in

which case the selected organization, following the Examiner's rationale, would be the public network service provider. However, in the context of Joao et al., the public network service provider merely provides a communication path, not credit.

Claim 10 goes on to recite that a signal is transmitted to the organization which is linked to a limited use credit card number and the signal includes original transaction details if the limited use credit card number has not been deactivated. It goes on to claim that performing a credit check to determine whether authorization can be obtained against the limited use credit card number. The credit check is performed by the organization to which the limited credit card number is linked in claim 9. However, Joao et al. does not disclose the public network service provider performing a credit check to determine whether authorization can be obtained against the limited use credit card number.

The Examiner cites column 5, lines 37-39 as disclosing the information and data pertinent to the transaction that is transmitted to the central processing computer from the point-of-sale. However, in the rejection of claim 9, the Examiner asserts column 7, lines 50-55 that disclose the limited credit card number linked to the public network service provider. If the organization to which the limited credit card number is linked is the public network service provider, then it cannot possibly also be the central processing computer disclosed in column 5, lines 37-39, as asserted by the Examiner.

Claim 10 is allowable for at least this reason in combination with its dependence upon claims 8 and 9.

5. Claims 13-15

Claim 13 recites the feature of transmitting a signal to a facility which issued the limited use credit card number. The signal is further limited to including original transaction details, but with the limited use credit card number remapped to be a master account number if the limited use credit card number has not been deactivated.

On page 3 of the final Office Action, the Office identifies column 5, lines 29-30 as disclosing the feature of the limited use credit card number being remapped to a master account number. This is the same citation that was used in the rejection of claim 8 to disclose a limited use credit card number associated with a master account number. The Office Action alleges that the same citation is used to disclose the remapping of the limited use credit card number to the master account number.

The Office alleges that the remapping is the same operation as the number "corresponding thereto" the card as cited at column 5, lines 29-30. Remapping as disclosed in the specification results in limited use credit card number being replaced with or substituted for the master account number if the limited use credit card number has not been deactivated. This number replacement or substitution is not recited or suggested in column 5, lines 29-30. Nor is the remapping of the limited use credit card number to the master account number or vice versa disclosed or suggested in column 6, lines 4-11 of Joao et al. as alleged in the Office Action. Column 6, lines 4-11 describes actions taken if the central processing computer determines that the card is not lost, stolen, canceled or deactivated, that the central processing computer may transmit a signal and/or data to the communication device, which is located with the card holder. This was previously discussed in relation to column 7, lines 49-64 of Joao et al., where the cardholder carries a communication device, such as a cell phone, which will receive a notification from the central processing computer as to whether or not a transaction in which the card is being used is authorized. This does not disclose remapping as recited in Appellant's claims. The relied upon column and line numbers of Joao et al. in the rejection merely recite use of a communication device by a user to confirm or authorize the reported transaction.

Claims 14 and 15 further limit claim 13 by disclosing steps of authorizing or declining the transaction based on results of the authorization determining step. The features of claims 14 and 15 in combination with the features recited in claim 13 are not disclosed or suggested by the Joao et al. patent.

Accordingly, claims 13-15 are allowable because the Joao et al. patent does not disclose or suggest all of the features recited in the claims.

6. The Joao et al. does not disclose remapping of Master Account Number of claims 16 and 35-39

As for claim 16, it also recites similar remapping steps as claim 13 above. Claim 16 was rejected on page 4 of the Office Action over the same column (column 5) and line numbers 29-30 of Joao et al. as recited in the rejection of claim 13. For the same reasons Joao et al. does not disclose or suggest the features recited in claim 16.

In addition, claim 16 recites the feature of transmitting said remapped master account number to the issuer processing facility which issued the master account number. This feature is allegedly disclosed at column 6, lines 4-67 and column 7, lines 1-37 of Joao et al. However, columns 6 and 7 of Joao et al. do not disclose or suggest the feature of transmitting the remapped master account number to the issuer processing facility which issued the master account number.

Column 6 discloses the use of a communication device in conjunction with the central processing computer. In summarizing the disclosure of column 6, the central processing center provides transaction information to a user via the communication device. The central processing center can provide transaction details to the user communication device (col. 6, lines 21-30) or even wait for authorization of the transaction (col. 6, lines 44-67). Joao et al. in column 7, lines 1-37 describes the communications and additional features of the communication device and central processing computer. Neither column 6 or 7 of Joao et al. disclose or suggest transmitting a remapped account number to an issuer processing facility which issued the master account number disclosed or suggested.

Accordingly, claim 16 is allowable.

As for claims 35-39, these claims depend from claim 16. However, in the final rejection claims 35-39 are grouped with claim 29. The final rejection does not

address the features recited in claims 35-39. The final rejection fails to list citations to Joao et al. which disclose or suggest the features claimed in claims 35-39 or provide an explanation as to how these claimed limitations are taught by Joao et al.

Accordingly, claims 35-39 are allowable.

7. The Joao et al. patent does not disclose all of the transaction details of claim 29

Claim 29 recites the feature of transmitting a signal to a master credit card issuing facility which issued the limited use credit card number, the signal including original transaction detail, but with the limited use credit card number remapped to be the master credit card number. The rejection on page 5 of the Office Action again relies on remapping to be analogous to a number corresponding thereto the card as recited at column 5, lines 29-30 of Joao et al. Claim 29 also recites remapping the results of the authorization determining step to the limited use credit card number for transmission to the merchant. The rejection on page 5 of the final Office Action does not address the step of remapping the results of the authorization determining step to the limited use credit card number. In addition, even assuming that "the number corresponding thereto" of column 5, lines 29-30 is analogous to the remapping step, it does not disclose remapping the limited use credit card to the master credit card number and remapping the results of the authorization determining step back to the limited use credit card number as recited in claim 29.

Accordingly, Joao et al. does not disclose or suggest all of the features recited in claim 29. Therefore, claim 29 is allowable.

VIII. Claims Appendix

See attached Claims Appendix for a copy of the claims involved in the appeal.

IX. Evidence Appendix

No exhibits provided with this Appeal.

X. Related Proceedings Appendix

No related proceedings are associated with this Appeal.

XI. Conclusion

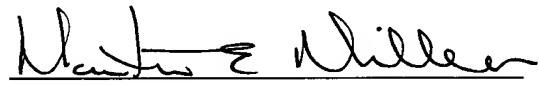
Appellants have pointed to errors in the rejection of the claims including mischaracterizations of the applied art relevant to the pending claims. Appellants respectfully request that the final rejection be overturned and the application returned to the Examiner for prompt allowance.

Respectfully submitted,

Buchanan Ingersoll PC

Date May 1, 2006

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VIII. CLAIMS APPENDIX

The Appealed Claims

Claim 8. In a financial transaction system capable of using at least one limited use credit card number, which is associated with a master account number of a customer and deactivated upon a use-triggered condition which occurs subsequent to assignment of the at least one limited use credit card number, a method of processing a transaction initiated by a customer presenting the limited use credit card number to a merchant, the method comprising the steps of:

receiving in a central processing system said limited use credit card number routed from the merchant; and

determining whether said limited use credit card number has been deactivated because at least one use-triggered condition has been satisfied.

Claim 9. The method of claim 8, wherein the limited credit card number is linked to an organization selected from a group consisting of: a utility, a public network service provider, a telephone company, a bank account, a prepaid account and a credit card issuer.

Claim 10. The method of claim 9, further comprising:

transmitting a signal to the organization which is linked to the limited use credit card number, the signal including original transaction details if the limited use credit card number has not been deactivated;

performing a credit check to determine whether authorization can be obtained against the limited use credit card number; and

transmitting a signal to the merchant with the results of the authorization determining step for the limited use credit card number.

Claim 12. The method of claim 8, further comprising: transmitting a signal to the merchant denying authorization if the limited use credit card number has been deactivated.

Claim 13. The method of claim 8, further comprising:

transmitting a signal to a facility which issued the limited use credit card number, the signal including original transaction details but with the limited use credit card number remapped to be a master account number if the limited use credit card number has not been deactivated;

determining whether authorization can be obtained against the master account number;

remapping the results of the authorization determining step to the limited use credit card number for transmission to the merchant; and

transmitting a signal to the merchant with the results of the authorization determining step for the limited use credit card number.

Claim 14. The method of claim 13, further comprising authorizing the transaction based on the results of the authorization determining step.

Claim 15. The method of claim 13, further comprising declining authorization of the transaction based on the results of the authorization determining step.

Claim 16. In a financial transaction system capable of using at least one limited use credit card number which is deactivated upon a use-triggered condition which occurs subsequent to assignment of the at least one credit card number and which is associated with the master account number of a customer, a method of conducting a settlement transaction comprising the steps of:

receiving a signal transmitted from a merchant according to leading digits of the limited use card number;

remapping the limited use credit card number with the master account number;

transmitting said remapped master account number to issuer processing facility which issued the master account number;

receiving payment for settling the transaction, if appropriate;

remapping the master account number back to the limited use credit card number; and

transmitting the limited use credit card number and payment information, if appropriate, to the merchant.

Claim 29. In a financial transaction system capable of using at least one limited use credit card number, which is deactivated upon a use-triggered condition which occurs subsequent to assignment of the at least one limited use credit card number and is associated with a master credit card number, a method of conducting a transaction involving the limited use credit card comprising the steps of:

initiating a transaction by a customer presenting a limited use credit card number to a merchant;

routing said limited use credit card number to a central processing system; and

determining whether said limited use credit card number has been deactivated because at least one use-triggered condition has been satisfied:

transmitting a signal to a master credit card issuing facility which issued the limited use credit card number, the signal including original transaction details but with the limited use credit card number remapped to be the master credit card number if the limited use credit card number has not been deactivated;

determining whether authorization can be obtained against the master credit card number;

remapping the results of the authorization determining step to the limited use credit card number for transmission to the merchant; and

transmitting a signal to the merchant with the results of the authorization determining step for the limited use credit card number.

Claim 30. The method of claim 8, wherein the master account number is a master credit card account number.

Claim 31. The method of claim 8, wherein the use-triggered condition is satisfied when a predetermined number of uses of the limited use credit card number is reached.

Claim 32. The method of claim 31, wherein the predetermined number is one.

Claim 33. The method of claim 8, wherein a limited use associated with the limited use credit card number permits multiple transactions, and the use-triggered condition is satisfied when the aggregate value of the transactions exceeds a predetermined sum.

Claim 34. The method of claim 8, wherein a limited use associated with the limited use credit card number limits use of the card to a specific class of use.

Claim 35. The method of claim 16, wherein the master account number is a master credit card account number.

Claim 36. The method of claim 16, wherein the use-triggered condition is satisfied when a predetermined number of uses of the limited use credit card number is reached.

Claim 37. The method of claim 36, wherein the predetermined number is one.

Claim 38. The method of claim 16, wherein a limited use associated with the limited use credit card number permits multiple transactions, and the use-triggered condition is satisfied when the aggregate value of the transactions exceeds a predetermined sum.

Claim 39. The method of claim 16, wherein a limited use associated with the limited use credit card number limits use of the card to a specific class of use.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.